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Attorney for WELLS FARGO BANK, N.A.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE:	§ CASE NO. 18-11027-TMD-13
	§
CHARLES ROY TANKERSLEY and	§
NANCY LOUISE TANKERSLEY,	§
Debtor	§ CHAPTER 13

**OBJECTION TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW WELLS FARGO BANK, N.A. (hereinafter "Creditor"), a secured creditor in this bankruptcy case, and files its Objection to Confirmation of the Debtors' Chapter 13 Plan. In support thereof, Creditor would allege as follows:

I.

Creditor is the Servicer, the holder of the Note and the mortgagee of record, holding a first security interest in the below described real property and is authorized to bring this action as a secured creditor on behalf of the Investor\* pursuant to the Freddie Mac Single-Family Seller/Servicer Guide, the servicing agreement between Servicer and Freddie Mac, which is published on AllRegs at <http://www.freddiemac.com/sell/guide/#>. On or about September 30, 2005, executed a Note payable to OAK STREET MORTGAGE, in the original principal amount of ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED DOLLARS

\*Federal Home Loan Mortgage Corporation ("Freddie Mac") is the Investor.  
BK0065E-56/Objection/Western/AUSTIN/00000007850530

AND ZERO CENTS, (\$179,500.00). The Note and Lien were assigned to Creditor. The Note is secured by a first lien Texas Home Equity Security Instrument on property described to wit:

LOT 9, BLOCK 1, SHADY HOLLOW, SECTION 2-A PHASE ,1 ACCORDING TO THE MAP OR PLAT THEREOF, RCRDED IN VOUME 79, PAGE 50, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

A copy of the Texas Home Equity Security Instrument is attached hereto.

## II.

On the date Debtors filed the petition for an Order of Relief, the Note was in default. On or about September 07, 2018, Creditor filed its Proof of Claim for arrears in the amount of \$15,252.29 and a principal balance of \$150,017.17. A copy of the Proof of Claim is attached hereto.

## III.

Debtor's Chapter 13 Plan proposes to provide \$11,995.44 over 60 months for the pre-petition arrears owing to Creditor. Creditor objects to the proposed treatment because the Plan:

- ) Fails to satisfy Creditor's Proof of Claim pursuant to the terms of the Note and Deed of Trust.
- ) Attempts to modify the rights of Creditor in violation of 11 U.S.C. §1322 (b)(2).  
Creditor's claim is secured only by a security interest in real property that is the Debtor's principal residence and 11 U.S.C. §1322 (b)(2) prohibits the modification of Creditor's rights.
- ) Does not provide for full payment of the Creditor's allowed secured claim.
- ) Fails to timely cure the default reflected in the Proof of Claim as required in 11 U.S.C. §1322 (b)(5).

WHEREFORE, Creditor prays that this Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP

BY: /s/ HEATHER GRAM-CHAVEZ 9/11/2018  
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ATTORNEY FOR CREDITOR

**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2018, a true and correct copy of the Objection to Confirmation of Debtor(s) Chapter 13 Plan was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties listed on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP.

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**BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:**

**DEBTORS:**

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